

AFFIDAVIT

I, John McGarghan, being duly sworn, state as follows:

Agent Background and Purpose of Affidavit

1. I am employed by the United States Border Patrol (USBP), a component of Customs and Border Protection (CBP) within the Department of Homeland Security (DHS). I have been employed by USBP for approximately eleven years overall as a Border Patrol Agent (BPA). I am currently assigned to the Richford Border Patrol Station in Richford, Vermont within the Swanton Sector of USBP as a Border Patrol Agent (Intelligence) (BPA-I). I have been assigned to the Richford Station as a BPA-I for approximately two months. Prior to that, I worked as a line BPA from the Swanton Border Patrol Station for approximately eleven months after serving as a Task Force Agent (TFA) with the Drug Enforcement Administration in Burlington, Vermont for three years. I worked for approximately eight years as a line Border Patrol Agent prior to those assignments. In connection with my duties and responsibilities as a BPA, and as a BPA-I specifically, I have received extensive formal and informal training in criminal investigation, including in investigations involving alien smuggling organizations. I have participated in surveillance operations, arrests, and interviews of individuals involved in illegally entering the United States, both as individuals and as part of organized smuggling events. I have written affidavits in support of search and arrest warrants, and I have participated in the execution of several warrants in addition to those for which I personally applied.

2. This affidavit is offered to demonstrate that probable cause exists to believe that Alaa Abdulsalam ARIF, a naturalized United States Citizen, was involved in the illegal smuggling of five citizens of Mexico, one citizen of the Republic of the Gambia, and one citizen

of the Republic of the Niger into the United States from Canada. Specifically, ARIF, knowing or recklessly disregarding the fact that one or more aliens had come to or entered the United States in violation of law, transported or moved and attempted to transport or move the alien or aliens within the United States by means of transportation in furtherance of the violation of law, all in violation of Title 8, United States Code, Section 1324.

3. I am submitting this affidavit in support of an application of a criminal complaint charging ARIF with the foregoing offense. I have not set forth all facts I know from my investigation into this matter. Rather, I have only included those facts that I believe establish probable cause to believe that ARIF committed the offense. I am familiar with the facts and circumstances of this investigation from my own work on the investigation and my discussions about this investigation with other law enforcement officers.

Probable Cause

4. On February 14, 2020, at approximately 8:00 AM, Border Patrol Agent (BPA) James Lariviere from the Richford Border Patrol Station was on roving patrol and observed foot sign (footprints) of a single subject walking north from Ayers Hill Road toward the international boundary with Canada. Ayers Hill Road is north of Berkshire and west of Richford, Vermont within the District of Vermont. BPAs Lariviere and Stephen Holbrook followed the foot sign north to the international boundary where the foot sign crossed into Canada approximately 200-300 yards west of a location known to agents in this sector as the "Canadian House" (a residence located at 282 Chemin de Richford, Frelighsburg, Q.C.). Border Patrol Agents were assisted by an asset from the Air & Marine Operations (AMO) division of CBP. The AMO asset relayed

information that the foot sign continued into Canada and followed a “two track” or secondary logging road further into Canada.

5. In response, Richford Station BPA Neil Arnold installed remote surveillance equipment on the east side of Ayers Hill Road and west of the intersection of Lost Nation Road to monitor both the northbound trail for future foot traffic and Ayers Hill Road for possible associated vehicle traffic.

6. On February 15, 2020, at approximately 11:30 AM, Richford Border Patrol Agents were alerted by Swanton Sector Dispatch of incoming images of approximately six southbound subjects walking south and then loading into a dark-colored minivan (later identified as a Toyota Sienna with unknown registration) along Ayers Hill Road. Ayers Hill Road is a class 3 dirt road running east-west between Lost Nation Road to the south and North Road to the north. Ayers Hill Road parallels the international border with Canada in that area. From the location of the pick-up spot, the road is approximately a half-mile south of the Canadian border.

7. Richford Agents responded to the area, but by the time they arrived, they were unable to locate the subjects or the vehicle from the captured images. Swanton Sector Dispatch researched the images and notified the responding agents there had been a 30-minute transmission delay from the remote sensors of the captured images.

8. Richford BPAs Eric Phillips and Arnold followed the southbound foot sign from the vehicle load location back north toward the international border. The foot sign continued to the international border but turned east, not crossing into Canada at that location. The agents continued to follow the foot sign along the border, and the foot sign turned south stopping at Berry Road, which is east and north of Ayer Hill Road. The Border Patrol Agents observed that

the foot sign they were tracking from Ayers Hill Road was on top of other foot sign showing movement from north to south to Berry Road earlier that day. Richford Agents followed the older foot sign north to the international border, and they observed the foot sign had crossed from Canada into the United States. The agents concluded the subjects had illegally crossed into the United States and walked directly south to a pre-determined location along Berry Road where they were picked up by a vehicle. We believe that, due to Border Patrol Agents patrolling the Berry Road area, the subjects chose an alternate path returning northwest back to the International Boundary and south to the load up area captured by the surveillance equipment on Ayers Hill Road.

9. On March 12, 2020, at approximately 2:25 PM, Richford Border Patrol Agents were notified by Swanton Sector Dispatch of a dark-colored minivan dropping off a male subject on Ayers Hill Road in Berkshire, Vermont. Agents responded to the area of Ayer Hill Road and observed a single set of footprints in the snow proceeding north toward the Canadian border. BPA Holbrook photographed the foot sign for investigative purposes. BPAs Phillips, Jeff Vining, and Adam Birchard simultaneously positioned themselves in an area to locate the dark minivan exiting the area. They observed a dark-colored minivan driving west on Route 105 near the intersection of Water Tower Road in Enosburgh, Vermont. The agents requested a registration check for a Vermont license plate reading "FUTURE". The response from the Vermont Department of Motor Vehicles indicated that the registration information was for a 2016 Toyota Sienna minivan, black in color, registered to owner Alaa Abdulsalam ARIF (date of birth XX/XX/1965) at an address in Essex Junction, Vermont. They also requested a criminal history check for Alaa Abdulsalam ARIF, which returned negative results.

10. BPAs Vining and Phillips performed a vehicle stop of the Toyota Sienna on Route 105 west of the intersection of Water Tower Road. Faint lettering on the back of the vehicle, which is not visible in the remote detection device images, indicated that the vehicle was associated with Future Cab, a taxi service. The agents identified themselves to the driver as U.S. Border Patrol Agents and conducted a field interview with the driver, who was identified as Alaa Abdulsalam ARIF. ARIF stated he was a naturalized U.S. citizen and was in the area dropping off a fare. ARIF could not recall the destination address. The agents concluded the field interview and released ARIF, who continued driving west on Route 105 toward St. Albans, Vermont.

11. Further research showed Arif has been encountered by Border Patrol Agents from the Richford and Newport Border Patrol Stations multiple times since 2017. Each encounter occurred in areas known to local Border Patrol Agents as being involved in cross-border smuggling events.

12. On March 20, 2020, at approximately 7:15 AM, Richford Border Patrol Agents were notified by Swanton Sector Dispatch of a dark-colored minivan dropping off a male subject wearing a dark jacket and hooded sweatshirt, jeans, and a ball cap with a red brim along Ayers Hill Road near Berkshire, Vermont. The subject was carrying a brown or tan backpack like a bag in his left hand. After viewing the images from the remote detection device, Border Patrol Agents determined it was likely the same subject and vehicle encountered on March 12, 2020. Agents responded to the area of Ayer Hill Road, and they deployed on foot and on All Terrain Vehicles to attempt an apprehension of the northbound subject. They followed the foot sign of the northbound subject to the Canadian border and observed the foot sign continue into Canada.

The Royal Canadian Mounted Police were notified of the crossing and given a description of the male subject.

13. Richford BPA Ryan Boda also responded to the Enosburg area to locate and identify the minivan used during the event. Agents observed and identified the Toyota Sienna (ARIF's vehicle) departing the intersection of Water Tower Road and Route 105 in Enosburg. They discontinued surveillance as ARIF's vehicle continued west on Route 105 towards St. Albans, Vermont.

14. On March 20, 2020, I applied for and obtained a GPS Tracker Warrant for ARIF's vehicle from the United States District Court for the District of Vermont under this case number. At approximately 9:00 PM that evening, I installed the GPS tracker to ARIF's 2016 Toyota Sienna mini-van and verified the tracker was operational. Parameters were set up to notify two Supervisory BPAs and me if ARIF's vehicle traveled north toward the Richford Border Patrol Station's Area of Operation (AOR).

15. On March 21, 2020, at approximately 6:30 AM, we received notification from the GPS tracker that ARIF's vehicle was northbound on I-89 near St. Albans, Vermont. SBPA Travis Doe alerted Richford Border Patrol Agents to respond to the approximate location of ARIF's vehicle. BPAs Chris Cairns, Michael Jones, Wesley Martin, and Holbrook set up at surveillance points to locate and observe ARIF's vehicle as it entered the Enosburg area. BPA Holbrook followed information from the GPS tracker and observed ARIF's vehicle traveling north on Water Tower Road in the vicinity of Berkshire, Vermont.

16. At approximately 7:31 AM, Swanton Sector Dispatch notified agents of incoming images from remote surveillance equipment showing ARIF's vehicle traveling west on Ayers

Hill Road toward North Road. BPA Cairns then observed ARIF's vehicle traveling south on North Road near the intersection of Route 118 (also known as Berkshire Center Road in that area). BPA Cairns followed ARIF's vehicle west on Route 118 and onto Route 108, stopping ARIF's vehicle on Route 108 south of Stanley Hill Road at approximately 7:45 AM. Several agents arrived on scene to assist.

17. BPA Cairns, BPA Holbrook, and SBPA Doe identified themselves as Border Patrol Agents and conducted an immigration inspection of all occupants in ARIF's vehicle. The immigration inspection identified the following seven passengers in ARIF's vehicle as aliens without authorization to enter or remain in the United States.

a. Florentino Tejeda-Perez is a citizen of Mexico (date of birth XX/XX/1985). According to CBP records, his immigration history in the United States included three separate Voluntary Returns (VRs) to Mexico in 2001. He does not appear to have a history of criminal convictions in the United States under this name. Based on Tejeda-Perez's appearance and clothing, agents believe he is the individual observed in prior events described above walking into Canada. That behavior is consistent with individuals serving as foot guides, leading other aliens into the United States from Canada through fields and wooded areas as part of an alien-smuggling event.

b. Juan Diego Flores-Osorio is a citizen of Mexico (date of birth XX/XX/1993). According to CBP records, Flores had previously been refused admittance to the United States on January 2, 2019. He does not appear to have a history of criminal convictions in the United States under this name.

c. Rogelio Ochoca-Blanco is a citizen of Mexico (date of birth

XX/XX/2000). He does not appear to have a history of criminal convictions or immigration violations in the United States under this name.

d. Daniel Ruelas-Villapando is a citizen of Mexico (date of birth XX/XX/2000). He does not appear to have a history of criminal convictions or immigration violations in the United States under this name.

e. Jose Crisoforo Jacome-Paredes is a citizen of Mexico (date of birth XX/XX/1989). He does not appear to have a history of criminal convictions or immigration violations in the United States under this name.

f. Abdoulaye Seyni-Hamadou is a citizen of the Republic of the Niger (date of birth XX/XX/1983; A# XXX-XXX-233). According to CBP records, on April 12, 2016, Seyni was deemed inadmissible under Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (INA) and was processed for an Expedited Removal with Credible Fear.

g. Sulayman Jangana is a citizen of the Republic of the Gambia (date of birth XX/XX/1963; A# XXX-XXX-883). According to CBP records, Jangana was granted voluntary departure on May 8, 1996, under Section 237(A)(1)(B) of the INA. Jangana was encountered again on July 2, 2009 at the Detroit Ambassador Bridge in Michigan. After a secondary inspection, Jangana abandoned his vehicle and property at the Port of Entry (POE). Information received by CBP from the Canadian Border Services Agency indicated that Jangana had departed the United States in March or April 2018 and that he had applied for refugee status in Canada.

18. During field interviews, the above-listed aliens each confirmed he is a citizen of

Mexico, Niger, and Gambia, respectively. Each of the aliens also admitted to illegally entering the United States from Canada earlier that morning. A check of immigration records confirmed that none of the aliens had status to enter or remain in the United States legally. SBPA Doe contacted Richford Station's Patrol Agent in Charge (PAIC) Richard Parker; they determined that each of the aliens would be returned to Canada via the nearest POE due to policies in effect during the COVID-19 pandemic.

19. Alaa ARIF was identified as the driver of the vehicle. According to CBP records, ARIF was naturalized as a United States citizen in February 2019. ARIF had been born in, and was previously a citizen of, Iraq. As a citizen of the United States, ARIF was released from the scene at approximately 8:45 AM. Due to policies in effect during the COVID-19 pandemic, agents did not attempt to interview ARIF at that time.

20. As stated above, I had installed a GPS tracking device on ARIF's vehicle on March 20, 2020 in the Essex Junction area. On at least one other occasion, I observed ARIF's vehicle in the Essex Junction area. On those occasions, a white taxi light and sign was present on the forward portion of the vehicle's roof where it meets the windshield, which was consistent with the other markings mentioned above. During the period of GPS monitoring, agents also observed ARIF's vehicle dropping what appeared to be a legitimate fare off during daylight hours in Richford, Vermont; at that time, the taxi sign was affixed to the roof of ARIF's vehicle. Yet in each of the cross-border activity incidents detailed above, the taxi sign was not visible on ARIF's vehicle in remote imagery, and agents saw that it was not affixed when they directly observed ARIF's vehicle. I believe that ARIF removed the sign and light so that his vehicle would be less conspicuous during nighttime hours in the remote areas of Vermont along the

Canadian border, which would suggest his knowledge of the illegal nature of those events.

21. Before the stop on March 21, 2020, USBP obtained call detail records for a phone number associated with ARIF, 802-999-0002, via administrative subpoena. The number was listed for Future Cab on its website (<https://future-cab.business.site>). Once we identified Florentino Tejeda-Perez as the potential foot guide during the March 21, 2020 incident, I requested information from the Accurint database regarding Tejeda-Perez by name and birth date. Accurint is a database operated by LexisNexis that is available to law enforcement officers and other members with accounts that gathers data from multiple sources about individuals and businesses. Among the data returned from Accurint for Tejeda-Perez was a phone number: 347-221-7101. That number was confirmed as being subscribed to Florentino Tejeda through T-Mobile via an administrative subpoena sent on March 26, 2020. I reviewed the call detail records for ARIF's phone, and I noted several contacts between ARIF's number and Tejeda-Perez's number between July 9, 2019 and March 18, 2020; in fact, Tejeda-Perez was one of ARIF's twenty most frequent contacts.

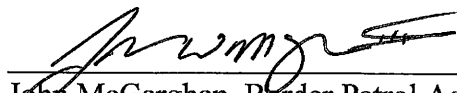
22. On April 10, 2020, Florentino Tejeda-Perez was encountered by a Maine State Game Warden in the vicinity of Millinocket, Maine. He was a passenger in a silver Jeep Liberty (registered in North Carolina) being driven by Luis Manuel Lopez-Garcia. The Jeep had become mired in snow on an unplowed road. Tejeda-Perez told the Game Warden that they were traveling to Quebec City in Canada to visit relatives, but the Game Warden was aware that the vehicle they were traveling on was not a reasonable route for that destination. Border Patrol Agents from Houlton Sector arrived to assist, and they conducted a field interview and an interview at a Border Patrol Station with Tejeda-Perez. I have received and reviewed a report

from BPA Shelton Keehn regarding their encounter. Tejeda-Perez admitted that he had been detained by Border Patrol and returned to Canada on March 21, 2020, but he denied having smuggled other people. Tejeda-Perez admitted to having reentered the United States on foot near Richford, Vermont on or about March 28, 2020. Agents also viewed the contents of one of Lopez-Garcia's three cellular phones pursuant to his consent. The phones contained several screen shots of Google maps bearing a marker on the international border along 9 Miles Road near Jackman, Maine. Millinocket is west of Interstate 95, between the interstate and the town of Jackman. Based on my training and experience, I know of at least two other alien smuggling organizations that have used foot guides along trails in both Vermont and Maine to bring aliens to the United States while avoiding Ports of Entry. I believe Tejeda-Perez's presence in rural Maine with a waypoint associated with a remote border crossing is consistent with participation in an alien smuggling organization.

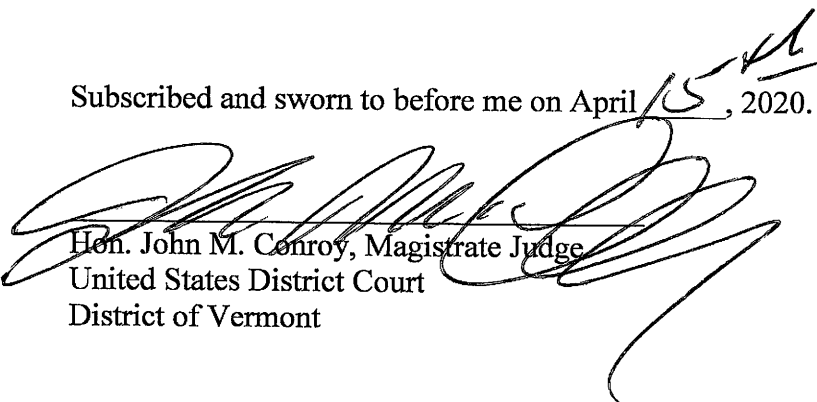
Conclusion and Request

23. Based on the foregoing information, I submit there is probable cause to believe that on or about March 21, 2020, Alaa Abdulsalam ARIF, knowing or recklessly disregarding the fact that the alien or aliens had entered the United States in violation of law, transported or moved and attempted to transport or move the alien or aliens within the United States by means of transportation in furtherance of their violation of law, all in violation of Title 8, United States Code, Section 1324. Accordingly, I respectfully request the Court issue a Criminal Complaint charging him with that offense and a Summons directing him to appear in this matter.

Dated at Burlington, in the District of Vermont on this 15 day of April 2020.


John McGarghan, Border Patrol Agent (Intel)
United States Border Patrol

Subscribed and sworn to before me on April 15, 2020.


Hon. John M. Conroy, Magistrate Judge
United States District Court
District of Vermont